

LAW OFFICES OF  
**SCOTT A. LUCAS**  
600 Mamaroneck Avenue  
Suite 400  
Harrison, New York 10528

(direct) (646) 342-1139  
(office) (646) 632-3737  
Scott@LucasEmploymentLaw.com

Of Counsel

STEVEN MITCHELL SACK

Honorable Colleen McMahon  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007-1312

March 12, 2024

Re: *Foster et al v. Dula et al, 21-cv-11224 (CM)*

Dear Judge McMahon:

As Plaintiffs' counsel, I write to provide a status update, and to request entry of an Amended Judgment for attorney's fees and costs.

Plaintiffs have elected to forgo their appeal of the punitive damages issue, as it appears likely that a reversal on that issue would necessitate a full retrial rather than a partial retrial confined to the discrete issue of punitive damages (and nobody wants a full retrial). Plaintiffs have likewise elected to forgo a fee application with respect to their successful opposition to Defendants' motion to set aside the verdict.

As to the request for entry of an Amended Judgment for attorney's fees and costs, the request is made by all parties. The request is necessary because the Judgment entered by the Court on January 22, 2024 (Dkt. 101): (A) did not make clear that it was against Elyse Dula only, and (B) listed the wrong amount because it did not include the Court-awarded costs. On January 23, 2024 the parties promptly filed a proposed Amended Judgment for attorney's fees and costs that corrected this (Dkt. 103), but it may have been overlooked by the Court.

Accordingly, the proposed Amended Judgment for attorney's fees and costs is attached hereto (with the month of entry updated). The parties respectfully request that it be entered.

Respectfully submitted,  
*/s/ Scott A. Lucas*  
Scott A. Lucas

Encl.

cc: Gerard A. Riso, Esq. (via ECF)